

REMARKS

Applicants have previously withdrawn the instant application from allowance, and on April 12, 2005 filed a Request for Continued Examination accompanied by an amendment and Information Disclosure Statement (IDS). Subsequent thereto, Applicants received a supplemental search report from the European Patent Office in the corresponding European patent application, which search report cited additional references. The instant amendment further amends the claims in order to distinguish them over the references. Additionally, there is nothing in the references that would suggest making changes to the chemical compounds disclosed therein so as to arrive at the presently claimed chemical compounds. Finally, claims 1-3 have been amended to remove an inadvertent redundant definition of R' and to remove now unnecessary definitions of R and R⁹ and to replace R⁹ with H where it previously appeared.

The instant amendment is accompanied by an IDS and substitute form 1449 listing all references not previously cited, as well as a copy of the above-referenced search report from the European Patent Office. It is noted that the enclosed papers are being re-submitted to the Office because a Notice of Allowance was mailed prior to their first submission.

Favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

Application No.: 09/909,012

Docket No.: SCHERING 3.0-121

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 5, 2005

Respectfully submitted,

By 

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